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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/580,542

05/30/2000

Shigeyuki Kawai

SON-1844

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7590

01/30/2003

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/580,542

Applicant(s)

KAWAI ET AL.

Examiner

Jamara A. Franklin

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 and 25 is/are rejected.
- 7) ☒ Claim(s) 23 and 24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Acknowledgment is made of the receipt of the amendment entered on 11/15/02. Claims 1-25 are currently pending.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/12/02 has been entered.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4, 5, 7-14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hudson et al. (US 4,650,978) (hereinafter referred to as 'Hudson').

Hudson teaches an "off-line" cash card system and method wherein a cash card can have a negative balance up to a ceiling limit when used with a card terminal unit. The card is acquired through a bank by depositing any amount of money in a special interest bearing account (col. 6,

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line 67- col. 7, line 4). The customer can pay off the negative balance by a deposit which brings the card total into the “plus” side of the card. The customer can keep the negative balance as long as he wishes (col. 22, line 49-col. 23, line 6; col. 15, lines 18-28). A PIN keyboard 74 is provided for entry of the personal identification number.

4. Claims 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Tomoyuki et al. (US 5,991,747).

Tomoyuki teaches an IC card 1 for use with a POS terminal 8. The IC card 1 is inserted into a slot of the POS terminal 8. When it is verified that the IC card 1 has been inserted, it is checked to determine whether the owner of the IC card 1 is a cataloged member eligible for use of the POS terminal 8.

The ID number of the IC card 1, as stored in the ID number storage 11 of the IC card 1, is read by the card reader/writer 84 in the POS terminal 8 in a step S404 and is supplied to the processor 85 of the POS terminal 8. Next, the cataloged ID numbers are read from an ID number storage 60 in the personal information storage 88 in the POS terminal 8 in a step S405, and the ID number read from the IC card is correlated with the stored ID numbers to determine whether the ID number of the IC card is cataloged in the POS terminal 8 in a step S406 (col. 10, lines 36-67).

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudson in view of Mori (US 4,877,947).

The teachings of Hudson have been discussed above.

Hudson lacks the teaching of a contactless information card.

Mori teaches a transaction processing system wherein communication between a card and a card reader/writer may take place via electrical contacts on the surface of the card or by noncontacting means (col. 3, lines 29-34).

One of ordinary skill in the art would have readily recognized that to substitute a contacting information card with a contactless information card would have been beneficial since, with a contactless card, a user has faster access to the data stored on the card because the card need only be presented to the reading device as opposed to physically inserted and ejected from a terminal slot. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Hudson with the aforementioned contactless information card as taught by Mori.

7. Claims 6 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudson in view of Yoshida (US 4,736,094).

The teachings of Hudson have been discussed above.

Hudson lacks the teaching of the reading means reading a credit flag embedded in the card.

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Yoshida teaches an account flag stored in a ROM 2 of a card (col. 9, line 57-col. 10, line 9).

One of ordinary skill in the art would have readily recognized that storing a credit flag in the card would have been beneficial to protect the terminal from giving any financial assistance to individuals without good credit standing. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings of Hudson with the aforementioned teachings of Yoshida.

***Allowable Subject Matter***

8. Claims 23 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach, or fairly suggest either alone or in combination thereof, a method of executing cashless transactions comprising sorting each of a plurality of balances due, at an electronic money management system, according to a time zone in which each balance due was transacted; deducting fees from each balance due based on respective time zones in which each balance due was transacted to generate respective payment amounts; and dispatching, from the electronic money management system, payment amounts to the electronic money terminal; and a method comprising periodically verifying authorization of a credit line for a user bearing a portable electronic device by the electronic money management system; dispatching an

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authorization or denial code to the electronic money terminal based on the periodically verifying step; storing the authorization code or denial code at the electronic money terminal; and authorizing or denying execution of the balance due based on the authorization code or denial code stored at the electronic money terminal.

### ***Response to Arguments***

10. Applicant's arguments entered 11/15/02 have been fully considered but they are not persuasive.

In response to applicant's argument that the Tomoyuki reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., deferring balance due payment to another day and storing balance due information on the card) are not recited in the rejected claims 20-22. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Contrary to the argument that Tomoyuki does not calculate a balance due, it is noted that if it is found that the balance stored in the IC card is less than the charge for the service or goods in a step S421, a message showing the balance is short is displayed on the display of the POS terminal in step S419. A "balance due" is calculated by the terminal when the user accepts a loan for "the shortfall of a balance" as indicated in col. 12, lines 11-16). The shortfall of a balance has to obviously be calculated.

Regarding the arguments to the rejection of claims 1, 2, 4, 5, 7-14, and 16-19, a new ground of rejection for the preceding claims has been established.

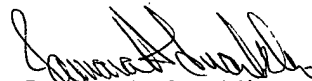
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***Conclusion***

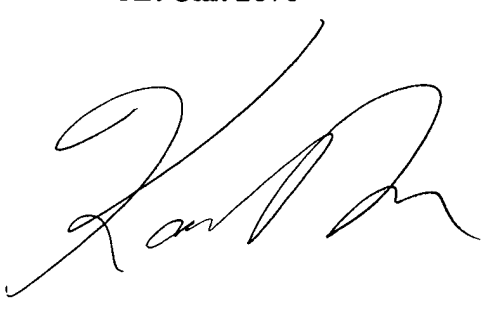
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is 703-305-0128. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 730-308-4909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
Jamara A. Franklin  
Examiner  
Art Unit 2876

JAF  
January 24, 2003

  
KARL D. FRECH  
PRIMARY EXAMINER